



# TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

## Board Meeting

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Friday, January 20, 2017 – 9:00 a.m.

### **BOARD MEMBERS PRESENT:**

Scott W. Fisher, Chairman  
The Honorable John Brieden III  
The Honorable Becky Gregory  
The Honorable Carol Bush  
MaryLou Mendoza  
Scott "David" Matthew  
Pama Hencerling  
The Honorable Lisa Jarrett  
The Honorable Wes Ritchey  
Candy Noble  
Edeska Barnes

### **BOARD MEMBERS ABSENT:**

Dr. Rene Olvera  
Riley Shaw

### **EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Eleazar Garcia, Chief Internal Auditor  
Jim Hurley, Communications Director  
Luther Taliaferro, Superintendent of Education  
Rebecca Walters, Director of Youth Placement &  
Program Development  
Jim Southwell, Chief Information Officer  
Kristy Almager, Director of the Juvenile Justice  
Training Academy  
Xavier Casares, Interim Chief Inspector General

Tushar Desai, Medical Director  
Jill Mata, General Counsel  
Mike Meyer, Chief Financial Officer  
Jeannette Cantu, Executive Assistant  
James Williams, Senior Director of  
Probation and Community Services  
Teresa Stroud, Senior Director of  
State Programs and Facilities

### **OTHER GUESTS PRESENT:**

Zachary Melton, TJJD	Ron Jackson	Stephanie Melot, TJJD	Lizet Hinojosa, TJJD
Shelly McKinley, TJJD		Debbi McDaid, TJJD	Pernilla Johansson, TJJD
Kaci Singer, TJJD		Seth W. Christensen, OOG	Granyon Perry-Wooden, TJJD
Jerome Williams, TJJD		Kathryn Gray, TJJD	Lesly Jacobs, TJJD
Jimmy Smith		Lori Robinson, TJJD	Mark Williams, Tom Green Co.
Doug Vance, Brazos Co.		Sheri Short, Navarro College	April Jameson, TJJD
		Ron Jackson	

Board Meeting  
January 20, 2017

Susan Humphrey, Bell Co.  
Danna Beane, TJJD Ron Jackson  
Josh Bauermeister, TJJD  
Beth Anders, TJJD  
Steve Roman, TJJD  
Fred Meinke, TJJD

Vivian Cohn, TJJD  
Brittney D.  
Kevin DuBose, TJJD  
Ken Ming, TJJD  
Christina Garcia, TJJD

Michael Turner, TJJD  
Jeanette Lepe, TJJD  
Minnie Rivers, TJJD  
Emilio Mendoza  
Jenna Reblin, TJJD

### **Call to order**

Chairman Fisher called the meeting to order at 9:06 a.m.

### **Prayer**

Granyon Perry-Wooden opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

### **Performance of “Jesus, Take the Wheel”**

Mr. Reilly introduced youth Brittney D. who sang “Jesus, Take the Wheel.”

### **Introduction of Board Members**

All Board members introduced themselves.

### **Report from the Chairman**

Chairman Fisher presented Mr. Reilly with his 25-year tenure award.

### **Report from the Executive Director**

David Reilly thanked Brittney for having the courage to sing for the group. He also welcomed the new Board members.

Mr. Reilly reported that the Health and Human Services Commissioner (HHSC) approved Medicaid coverage for TJJD youth in halfway houses. TJJD Medical Director, Tushar Desai, worked for the last eight months to accomplish this task. As a result, youth in halfway houses will receive primary and

specialty medical care locally. The cost of emergency room visits and hospitalizations of halfway house youth will be covered by Medicaid rather than TJJD's budget. Individual treatment and other services are now covered. The next goal is to get Medicaid coverage for all TJJD youth in-patient hospital stays for youth in secure facilities. Mr. Reilly recognized Dr. Desai and thanked him for his effort on behalf of TJJD.

The agency has completed a Treatment Effectiveness Report which is on the TJJD website. Mr. Reilly reported that in recent years TJJD has provided specialized treatment programs at more locations and with increased capacity. He provided statistics related the Treatment Effectiveness report for FY 2015.

Mr. Reilly provided comparisons for the flexible block school day comparing the first semester of the 2015-2016 school year to the first semester of the current 2016-2017 school year. The average daily attendance is up or flat at almost every campus. Fewer school days have been missed and there is a slight jump in the number of GED's obtained. The total referrals to security have decreased by 2.8% and the total admissions to security have decreased by 9.8%.

The Regionalization effort outlined in SB1630 from last session is an ongoing initiative to divert youth from commitment to the state. So far this fiscal year, TJJD received 104 applications, approved 62 applications and placed 60 youth in local facilities.

With the agency's ongoing effort to expand professional development among direct care staff, the agency implemented new on-the-job training modules for juvenile correctional officers and case managers that establish a consistent pattern for training from facility to facility and make it practical and relevant to what staff need to know to be successful at their job.

Mr. Reilly announced the retirements of Chief Tommy Ramirez (Cameron County), Lisa Tomlinson (Johnson and Somerville Counties) and Bill Austin (Jack Wise County) and spoke about their tenure in the juvenile justice profession.

Mr. Reilly reported on the current status of the 85<sup>th</sup> Legislative Session. The agency has significant needs and has asked for about \$168.7 million in exceptional items, over and above the agency's base budget request. He said that over the next few weeks, staff will contact Board members to create a game plan of how they can be involved in the legislative process with TJJD staff.

Mr. Reilly announced that Chelsea Buchholtz, Chief of Staff, was recently selected as Young Alumnus of the Year by Abilene Christian University.

Mr. Reilly announced that Teresa Stroud will be sworn in as an American Correctional Association (ACA) Board member at Monday's ACA Winter Conference in San Antonio.

#### **Public Comments**

There were no public comments.

#### **Discussion, consideration, and possible approval regarding excused absences (Action)**

The following board members were absent: Rene Olvera and Riley Shaw. Mr. Matthew moved to excuse the absences. Judge Bush seconded. The motion passed.

#### **Discussion, consideration, and possible approval regarding the October 28, 2016 Board Meeting minutes (Action)**

Mr. Matthew was listed as absent and it needs to be changed to present. Judge Ritchey moved to approve the minutes as corrected. Judge Brieden seconded. The motion passed.

#### **Discussion, consideration, and possible final adoption of revision to 37 TAC§380.9535, relating to Phoenix Program (Action)**

Teresa Stroud, Senior Director of Programs and Facilities, stated the Board previously approved posting this item in the Texas Register for a 30-day public comment period. No comments were received. She provided a brief overview of the changes to the policy and also explained what the Phoenix Program does. She requested Board approval for final adoption. Judge Bush moved to approve for final adoption. Ms. Mendoza seconded. The motion passed.

### **Tom Green County Juvenile Probation Department Program Overview**

Chief Mark Williams provided a presentation of his department's Family Enrichment Program.

### **Report from the Advisory Council on Juvenile Services**

Doug Vance, Advisory Council Chairman, explained to the Board how the Advisory Council on Juvenile Services came to fruition. He referred the Board to page 27 of the Board packet and announced that at its last meeting, Carolyn Beck, TJJD Governmental Relations Specialist, provided the Advisory Council with a general overview of the Texas Legislature. Nydia Thomas, TJJD Special Counsel, provided an overview of recommendations being made by the Juvenile Records Advisory Committee and the Sex Offender Treatment Task Force. James Williams, TJJD Senior Director of Probation and Community Services, provided an update on Regionalization. Chief Vance stated the Standards Committee is currently finishing up a review and revision of Texas Administrative Code Chapter 344 pertaining to certified officer employment, certification and training. Chief Vance said that over the past four years, the Standards Committee has worked on revising a variety of Administrative Rules (Standards) that impact juvenile probation departments and programs in Texas. He publically acknowledged all of the individuals who have contributed to the success of the Standards Committee.

Mr. Edeska Barnes commended the Standards Committee for their work and asked if the committee receives adequate participation from those on the committee. Chief Vance said they do.

### **Discussion, Consideration, and possible approval of appointments to the Advisory Council for Juvenile Services (Action)**

Chairman Fisher deferred this item to a subcommittee consisting of Scott Matthew, Edeska Barnes and Pama Hencerling with assistance from James Williams. He asked the subcommittee to come back to the March meeting with a recommendation to the Board.

### **Legislative Update**

Carolyn Beck, Governmental Relations Specialist, stated that Senate committees have been announced. Over 1600 bills have been filed. The agency is tracking 300 of those bills. The agency has received requests for fiscal notes for 13 bills to date. The next steps are committee hearings. Ms. Beck provided a summary of 13 high interest bills. In response to a question by Chairman Fisher and comment by Judge Brieden, Ms. Beck said she would work with Jeannette Cantu to post all legislative updates and fiscal notes to the Board portal in date order with tracked revisions.

Mike Meyer, Chief Financial Officer, stated the introduced versions of the appropriations bill on the House and Senate side have been filed. The agency is starting this session in a much better position than last session. The agency has a budget, as opposed to a contingency rider. The introduced bills are identical on the House and Senate side. The introduced bills added \$28.1 million over the agency's baseline request. The updated population projections will be available soon.

### **Report from the Interim Inspector General**

Xavier Casares, Interim Chief Inspector General, referred the Board to page 37 of the Board packet and provided the comprehensive program analysis made up of analytics, intelligence and reporting, criminal investigations, and special investigative initiatives. This analysis compares first quarter FY 2016 to first quarter FY 2017. In response to a question by Judge Brieden regarding the increase in use of force monitoring referred to OIG Criminal, Chief Casares stated this can be partially attributed to training and awareness. Mr. Reilly stated that in fact, sometimes, just a couple of youth will increase those numbers on their own. Throughout the past year, this agency has tried to identify the youth who pose a continued risk to the safety of youth and staff and so has seen an increase in the number of youth departing TJJD and moving on to adult prison because of those repeated actions. Mr. Matthew noted that incident reporting is up by about 350 and he believes this is directly because of training. Ms. Hencerling agreed and stated that there was the significant increase in the number of staff trained.

Chairman Fisher called for a 30 minute recess to view the Presidential Inauguration.

### **Report from the Administrative Investigations Division**

Kevin DuBose, Director of the Administrative Investigations Division, explained the difference between the Administrative Investigations Division and the Office of Inspector General. He referred the Board to page 39 of the Board packet. He provided an update to the Board on the County Investigations Unit and State Investigations Unit for FY 2016 and FY 2017 for September through November. Chief Hencerling stated that one possible reason sexual abuse complaints are increasing is because of increased awareness under PREA. Chief Matthew commented on the good, clear report and also commented on the county sexual abuse case referrals. He wants to begin the emphasize ruled out findings, unable to determine, versus confirmed findings. Ms. Mendoza asked what consequences are there if found confirmed. Mr. DuBose explained that AID is investigating supervisory neglect with regards to allowing youth to sexually engage. Regarding grievances, Ms. Mendoza asked who makes those reports. Mr. DuBose explained that the IRC receives them by the youth and the on-duty AID investigator makes the referral to youth grievances.

### **Acknowledgement of Gift from Rusty Russell (Action)**

Mr. Meyer, Chief Financial Officer, stated that a former employee, Rusty Russell, donated 31 pairs of dress slacks with an estimated value of \$500 or more to the Ron Jackson State Juvenile Correctional Complex and Brownwood Halfway House. Judge Bush moved to formally accept this gift. Judge Jarrett seconded. The motion passed.

### **Discussion, consideration and possible approval of the Giddings State School Audit (Action)**

Eleazar Garcia, Chief Internal Auditor, referred the Board to page 63 of the Board packet. The objective of the audit was to determine whether controls related to operations are in place and management action plans for prior reported findings are implemented. The audit found the petty cash fund balanced and is reconciled monthly and the procurement card is reconciled with supporting documentation and reviewed monthly by facility staff. Areas where controls can be enhanced to ensure compliance with the agency's policies and procedures and to provide more cost-effective practices are:

- Re-emphasizing appropriateness of expense coding and implementing a review of expenses would improve accuracy of facility budgets and ensure appropriate approvals.

- User access controls to information systems can be improved to promote data security.
- Verification of two prior audit recommendations for the #13-1D Giddings State School Audit and #15-5 Fleet Management Audit reflects additional work is needed to implement the management action plans.

Mr. Garcia stated management concurs with the findings and recommendations.

Judge Brieden commented on the two prior audit recommendations needing additional work. He stated that regarding the prior audit recommendations, when reports note what's lacking, it should also note what has been implemented. Mr. Garcia stated that he is not certain if this particular audit included follow-up on any additional items other than the two included in this report, but Internal Audit does provide a follow-up report on audit recommendations to the Finance and Audit Committee which includes both. Judge Ritchey moved to approve the audit report. Ms. Mendoza seconded. The motion passed.

**Discussion, consideration and possible approval of the Internal Audit Consulting Project – Halfway House Education Program (Action)**

Mr. Garcia stated this was a consulting project initiated by TJJD management. The results were communicated to Executive Director David Reilly. Mr. Reilly stated this was an effort to find out if any differences among the halfway houses with regards to Education were indicated during this project. Ms. Mendoza moved to approve the consulting project. Chief Hencerling seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8595, relating to Parole Completion and Discharge, in the Texas Register for a 30-day public comment period (Action)**

Rebecca Walters, Senior Director of Youth Placement, Re-entry, and Program Development, presented a summary of the policy revisions. The proposed resolution will bring the agency in line with best practices. Chief Matthew asked if someone at the senior director level will review/approve the high severity offender releases. Ms. Walters said that all the requests would go through a panel for review and then come through her for approval. Chief Matthew moved to approve posting the revisions in the Texas Register. Judge Ritchey seconded. The motion passed.



Chairman Fisher called for a recess at 11:40 a.m. to convene in closed session.

**Closed Session – Executive Session**

- a. **§551.071 Consultation with attorney (see footnote)**
- b. **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c. **§551.074 Discussion regarding personnel matters**

The Board entered a closed session at 11:55 a.m.

**Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)**

The Board reconvened in open session at 12:20 p.m. Chairman Fisher stated the Board reviewed a video involving a youth. No discussion or action was taken.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Motion for Rehearing (Action)**

**Michael Richards, Certification No. 28151, 16-28151-160038 (Dallas)**

Kaci Singer, Staff Attorney and Policy Supervisor, stated the Board previously signed an order revoking Mr. Richards' certification. Notice of the Board's decision was sent to Mr. Richards and he timely filed a motion for re-hearing because the original address TJJD had on file to send his notice of hearing was not his actual address. TJJD has received a new address for Mr. Richards. TJJD recommends that the Board grant the motion for re-hearing. Judge Jarrett moved to approve to grant the re-hearing. Judge Gregory seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)**

**John Fernandez, Certification No. 30275, 16-30275-160152 (Nueces)**

Ms. Singer stated Mr. Fernandez was given proper notice and he failed to respond. TJJD recommends the Board approve the default order and revoke the certification of Mr. Fernandez. Mr. Matthew moved to approve the default order. Ms. Noble seconded. The motion carried.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Cases Conducted by State Office of Administrative Hearings (Action)**

**Timothy Edward Everest, Certification No. 25015, 15-25015-150258 (Nueces)**

Ms. Singer stated Mr. Everest is a Certified Juvenile Officer currently employed by the Nueces County Juvenile Probation Department. The Board viewed the video relating to this case during the Board's closed executive session. TJJD provided notice to Mr. Everest and his attorney, inviting them to come to this Board meeting but did not hear back from them and they are not present today. Ms. Singer provided the Board with a history of the case and the circumstances for it coming before the Board. The proposal from the State Office of Administrative Hearings' Administrative Law Judge (ALJ) is that no wrong doing was done in this case. There are circumstances where the Board can change the findings of facts and conclusion of law based on the ground that the ALJ did not properly apply or interpret the law and TJJD Rules provided to them. TJJD requests the Board do so in this case. Discussion ensued among the Board. Chairman Fisher asked what would be the next step if the Board should decide to change the findings of facts and conclusion of law. Ms. Singer said that Mr. Everest's next step would be to take his case to district court. Ms. Singer outlined the findings of facts and conclusions of law that staff recommended be changed and/or deleted. Mr. Matthew moved to issue an order to modify the ALJ's findings of facts and conclusions of law set forth in the Proposal for Decision and impose the disciplinary sanction of revocation of Mr. Everest's certification. Ms. Hencerling seconded. A vote was taken. Mr. Brieden voted no. The motion passed.

**Adjourn**

Chairman Fisher adjourned the meeting at 12:53 p.m.